

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE- 5 TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: B. Graves Reporter/Tape: D. Dedmon Bailiff: H. Franco, J. Dodd, G. Ozburn		Date: February 1, 2005
		Department: 53 Time: 9:01 a.m.

Plaintiff: The People of the State of California	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian - Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing
Defendant: Marcus Delon Wesson	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones - Chief Deputy Public Defender Rafael Torres - Deputy Public Defender	<input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per

Pursuant to the adjournment of January 31, 2005, Court reconvenes at 9:01 a.m. The People, represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant Marcus Delon Wesson, with his counsel, Peter Jones, Chief Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state they are ready to proceed.

Media video/camera coverage is granted for todays hearing only.

The Court and respective counsel review a draft of the Instructions for Individual Questioning and Court's Order to Jurors (Court exhibit 10). All parties agree to the use of the Instructions For Individual Questioning and Court's Order to Jurors.

Court exhibit 10(Draft of Instructions For Individual Questioning Dated 2-1-05 and Court's Order to The Jurors) marked for identification.

Peter Jones, Chief Deputy Public Defender, on behalf of the defendant, Marcus Delon Wesson, argues his Motion for Reconsideration to have the sequestered voir dire be closed to the press and public, and the court reporters transcripts be sealed until after the jury, including all alternates, are seated and sworn in. Mr. Jones begins at 9:08 a.m. and conludes at 9:18 a.m.

Lisa Gamoian, Chief Deputy District Attorney, on behalf of the People of the State of California, argues the matter to the Court beginning at 9:18 a.m. and concludes at 9:20 a.m.

Bruce Owdom, Attorney at Law, is present on behalf of the Fresno Bee. Mr. Owdom argues the matter to the Court on behalf of the Fresno Bee, beginning at 9:20 a.m. and concludes at 9:23 a.m.

Court stands in recess at 9:27 a.m. until 10:15 a.m. to consider the arguments submitted.

Outside the presence of the Court and counsel, Court exhibit 9(Article from the Fresno Bee dated 2/1/05) is marked for identification.

The Court returns at 10:18 a.m. All parties are present.

After having read and considered the Points and Authorities and arguments of counsel, the Court makes the following ruling.

Court cannot find that the public proceedings would result in irreparable damage to defendant's right to a fair trial. It is a part of the trial that will aid the Court, counsel, and the public in making sure he does receive a fair trial. The Court denies the motion to reconsider its previous order and will not close the courtroom from the media and public during this individual voir dire process, except where the individual jurors request it.

The Court and respective counsel review in open court, the prospective jurors that the parties stipulate to release for cause without any further questioning, beginning at 10:20 a.m. The Court releases the following prospective jurors for cause: A2, A7, A18, A19. The Court orders Barbara Graves, Judicial Assistant, to notify the prospective jurors by phone that they have been excused for cause.

The Court adjourns at 10:29 a.m. until February 2, 2005 at 9:00 a.m. for further jury selection.

The defendant, Marcus Delon Wesson, is to remain in the custody of the Sheriff of Fresno County.

Outside the presence of the Court and counsel, Court exhibit 11(Final of Instructions For Individual Questioning Dated 2-1-05 and Courts Order to the Jurors) marked for identification.

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